

REMARKS

The Applicant thanks the Examiner for the prompt and thorough final Office Action dated June 3, 2003.

The Applicant submits this response which includes an amendment and remarks that place this case in a condition of allowance.

The Applicant has cancelled claims 1-5 and 26-29 that were directed to a non-elected invention.

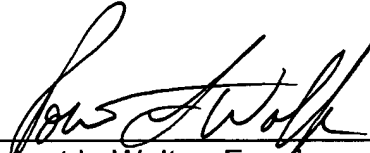
In addition, the Applicant has amended claim 6 to obviate the rejection under 35 U.S.C. §112. In addition, the Applicant has amended independent claims 6 and 13, which were rejected under 35 U.S.C. §103, in view of the combination of the *Chan* and the *Usami* references, as set forth on pages 3-5 of the Office Action. With respect to amended claims 6 and 13, these claims are directed to a trench-first method, in which a trench is etched in a mask layer without exposing the underlying dielectric prior to etching a via in the underlying dielectric. The *Usami* reference discloses a via-first method of fabricating a semiconductor, and does not disclose a trench-first method.

With respect to the *Chan* reference, *Chan* discloses a trench-first method of fabrication; however, the trench is etched into the underlying dielectric simultaneously with the via being etched to the underlying metal layer, and not after the via has been etched, as claimed in the independent claims 6 and 13.

In view of the foregoing amendments, the Applicant respectfully requests the Examiner to withdraw the rejection of the claims 6 and 13. Inasmuch as the dependent claims contain the limitations of the independent claims, Applicant submits that the application is now in a condition of allowance.

If further prosecution of this application can be facilitated via telephone conference, the Examining Attorney is invited to contact the undersigned at (407) 926-7706.

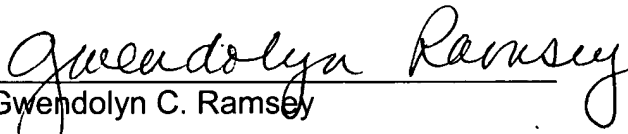
Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Wolter", is written over a horizontal line.

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Certificate of Mailing

I hereby certify that a true and correct copy of the above and foregoing Amendment was furnished by First Class Mail to the Mail Stop AMENDMENT/FEE, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, this 9<sup>th</sup> day of September, 2003.

  
Gwendolyn C. Ramsey